

such as labor unions, while placing burdensome restrictions on for-profit organizations and the associations that represent them.

Let me give you one example regarding the union exemptions. The new law applies to government contractors but not their unions or unions with government contracts or government unions. It is obviously discriminatory. As Leader MCCONNELL has asked, where in the first amendment does it say that only large and entrenched special interests get the "freedom of speech"?

Here is what the AFL-CIO president, Richard Trumka, said about the bill in April:

Congressional leaders today took a vitally important first step to begin to address the Supreme Court's recent decision in *Citizens United v. Federal Election Commission*. The AFL-CIO commends these efforts and supports increasing disclosure and reexamining some current campaign finance rules. . . . It is imperative that legislation counter the excessive and disproportionate influence by business.

Well, they have made sure it does.

Unlike BCRA, the DISCLOSE Act has an effective date of 30 days after enactment. In other words, proponents want people to stop political speech now, before the midterm elections in November.

Hundreds of diverse organizations oppose this bill, from the ACLU to the chamber of commerce. Let me just quote two.

Here is a letter from several hundred of the Nation's leading trade association and business groups:

By attempting to silence corporations' voice in the political process while enabling unions to retain their enormous influence, Schumer-Van Hollen is a patently unconstitutional threat to the elections process. Schumer-Van Hollen is a direct attack on the rights of the business community and the role our organizations play in the national political dialogue.

And a letter from the National Right to Life organization:

The overriding purpose is . . . to discourage, as much as possible, disfavored groups, such as the [National Right to Life Committee], from communicating about officeholders. . . . This legislation has been carefully crafted to maximize short-term political benefits for the dominant faction of one political party, while running roughshod over the First Amendment protections for political speech that have been clearly and forcefully articulated by the Supreme Court.

So I hope my colleagues will recognize the damage they are doing to political discourse in violation of the first amendment that is a result of the legislation that has been drafted here for purely political advantage and will oppose the DISCLOSE Act.

Mr. SCHUMER. Mr. President, I yield 5 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, the *Citizens United* case has aimed a dagger at the heart of American democracy. So I rise today in support of the DISCLOSE Act, to stop that dagger aimed at our heart.

Our Nation is unique in world history in that it was founded not on nationality or royal bloodlines but on an idea—a simple yet revolutionary idea—that the country's people are in charge. As was so often the case, Abraham Lincoln said it better than anyone—that the United States is a "government of the people, by the people, for the people." What that means is we, the elected officials, work for the people. They elect us. They are in charge. But this idea, this vision, this government by and for the people cannot survive if our elections are not open, fair, and free. The government is not by or for the people if corporations and even foreign corporations and giant government contractors are able to hijack the electoral process to run millions of dollars of attack ads against any candidate or any legislator who dares to put the public interest ahead of a company's interest.

Our Constitution, through the first amendment, puts the highest protection on political speech, recognizing how important it is that citizens be able to debate the merits of candidates and the merits of ideas. But if the essence of the first amendment is that competing voices should be heard in the marketplace of ideas, the *Citizens United* decision just gave the largest corporations a stadium sound system with which to drown out the voice of American citizens.

Think about the scale of the spending this decision allows. My Senate race was far and away the most expensive election in Oregon history. The two candidates together spent around \$20 million. ExxonMobil, a single corporation, made \$20 million in profits every 10 hours in 2010, and that was during their worst year in a decade. If you like negative ads, you would love the impact of *Citizens United*. Imagine what corporations will do to put favorite candidates in office. The sheer volume of money could allow corporations to handpick their candidates, providing unlimited support to their campaigns to take out anyone who would dare to stand up for the public interest.

The DISCLOSE Act will help prevent special interests from drowning out the voice of American citizens. First, this bill will bring transparency to campaigns now that unlimited money is allowed to be spent on negative attack ads. If you are looking to buy a used car and someone tells you the engine looks great, you would want to know if the person saying that is your trusted mechanic or the used car salesman. Who is speaking is critical information in evaluating the message. With that principle in mind, the DISCLOSE Act makes the CEO of a company stand by their words. The CEO will have to say at the end of the ad that he or she approves this message, just as political candidates have to do today. It is common sense. If a company is willing to spend millions working against a candidate, the voters have a right to know about that company's involvement in-

stead of allowing it to hide behind shadowy front groups.

The second problem the DISCLOSE Act takes on is the system of "pay-to-play" where companies campaign on behalf of candidates in order to get access to government contracts. This legislation bars that form of corruption. It bars government contractors from running campaign ads and paying for other campaign activities on behalf of a Federal candidate.

Passing the DISCLOSE Act is key to sustaining the healthy democracy that represents the interests of American citizens. A healthy democracy requires transparency, an equal voice for all its citizens, not an amplified voice for those who represent very large corporations.

So I urge all my colleagues to support this legislation. As President Lincoln, a great Republican President, reminds us: The essence of the Nation, the cause that brought a generation of patriots to challenge the greatest military power of the 18th century, the idea that inspired people to leave everything behind to come to our shores is a government of the people, by the people, and for the people.

We are here because we work for the American people. Let's pass the DISCLOSE Act today so our successors can say the same thing tomorrow.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, how much time is available to this side?

The PRESIDING OFFICER. There is 24 minutes 10 seconds available.

Mr. BENNETT. Mr. President, I appreciate the opportunity of addressing this issue and of listening to my colleagues as they talk about it. I haven't heard some of this exorbitant language since I left the campaign trail. I left the campaign trail forcibly but, nonetheless, I have some memory of it, and I realize that in a period of a campaign, people get carried away.

"A dagger at the heart of our democracy" is a phrase that has been used. "The destruction of government of the people" is a phrase that has been used. If I can think of someone who uses this kind of language quite normally in the political discourse, the name of Michael Moore comes to mind. The reason I raise Michael Moore is because we are talking about a movie. That is the source of this entire decision.

There is a group of people who decided they wanted to make a movie that was critical of a candidate for President of the United States. In this case it was former Senator Hillary Clinton. They didn't like her and they wanted to make a movie and they did. In the same vein, Michael Moore, who didn't like George W. Bush, made a movie entitled "*Fahrenheit 9/11*." Nobody got excited about Michael Moore's movie in terms of violating the Constitution or a dagger at the heart of our democracy or destroying the legacy of Abraham Lincoln because